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## FORM SUMMARY

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**Name of Form:** Earnings Garnishment Notice

**Form Number:** CV-421

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**Statutory Reference:** §§812.35(1) and 812.44(2), Wisconsin Statutes

**Benchbook Reference:** CV 38-11

**Purpose of Form:** This notice starts the garnishment process when the creditor is attempting to garnish "earnings." It does not apply to any other form of garnishment or execution.

**Who Completes It:** Creditor

**Distribution of Form:** Original to the Clerk of Court

**Accompanying Forms:** Generally none

**New Form/Modification:** Modification, last update 05/00.

**Modifications:** Added phone number to creditor and creditor's attorney information. Added State bar number to creditor's attorney information.

**Comments:** 1993 Wisconsin Act 80, effective April 1, 1994, radically modified the procedure for garnishing earnings. In most cases, the court will not be involved in the garnishment of earnings other than to receive this notice.

When a creditor wishes to garnish earnings, the creditor files this notice with the Clerk of Court. Upon payment of the fee, the clerk is to provide two copies of another form, "Earnings Garnishment," CV-422, to the creditor. The Earnings Garnishment form is to carry the court seal. The circuit court may, by rule, permit the clerk to issue earnings garnishment forms after payment of the fee but before the filing of the notice (*i.e.*, this form). In such cases the notice has to be filed within five business days after the garnishee is served.

No other documents will be filed with the clerk unless:

- The creditor files with the court a motion for a hearing and a written objection to the debtor's answer (see CV-425, Earnings Garnishment - Objection to Debtor's Answer and Demand for Hearing).
- The debtor files a written petition for relief from the earnings garnishment.
- Any party moves the court for an order to comply, or for other equitable relief.

**About this form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**